

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

WILLIAM WARD,

Plaintiff,

V.

DONALD HULICK, et al.,

Defendants.

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Civil No. **09-08-GPM**

ORDER

PROUD, Magistrate Judge:

Before the Court is defendant Reed's motion to compel plaintiff Ward to respond to interrogatories and requests for production propounded on or about November 20, 2009. (**Doc. 31**). Defendant's discovery requests pertain to his pending motion for summary judgment (**Doc. 26**), which raises the issue of exhaustion of administrative remedies. An evidentiary hearing is set for May 26, 2010.

In accordance with *Pavey v. Conley*, 544 F.3d 739, 742 (7th Cir. 2008), discovery regarding the merits of the case is deferred until after the pending motion regarding the exhaustion of administrative remedies is determined by the Court. However, *Pavey* provides that discovery regarding the exhaustion issue is permissible and necessary. Plaintiff appears to have supplied some information and documents in response to defendant's discovery requests, but it is not clear that plaintiff has fully and completely complied with defendant's discovery requests.

IT IS THEREFORE ORDERED that the subject motion to compel (**Doc. 31**) is **GRANTED**. If plaintiff has not done so already, on or before **May 14, 2010**, plaintiff shall fully respond to defendant's interrogatories and requests for production propounded on or about

November 20, 2009.

IT IS SO ORDERED.

DATED: May 5, 2010

s/ Clifford J. Proud
CLIFFORD J. PROUD
U. S. MAGISTRATE JUDGE